

STATE OF MINNESOTA
COUNTY OF OLMDSTED

IN THE DISTRICT COURT
CRIMINAL DIVISION
THIRD JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

SENTENCING ORDER

vs.

Court File/ICR Nos.
K4024311/02058875

Philip David Schaub,

Defendant.

Date of sentencing hearing: January 16, 2003

APPEARANCES: James P. Spencer, Assistant Olmsted County Attorney, appeared on behalf of the State of Minnesota; Terrence M. Walters, Assistant Public Defender, appeared on behalf of Defendant, who was personally present; and Patricia Rime, Probation Officer, Dodge-Fillmore-Olmsted Community Corrections.

Pursuant to Defendant's guilty plea entered November 20, 2002, the Court hereby enters judgment of guilty of Criminal Sexual Conduct in the Second Degree, a felony, in violation of Minnesota Statute §609.343 Subd. 1(a), that occurred on August 1, 2000 and for which the maximum penalty is 25 years and/or \$35,000 fine.

Pursuant to plea negotiations, the prosecutor dismissed the remaining charges.

The Court finds as follows:

1. The offense is a severity level 6.
2. Defendant's criminal history score is 0.

Exhibit B

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3. The guidelines recommend sentencing as follows: stay 21 months commitment to the Commissioner of Corrections. The Court determines departure from the presumptive disposition is not appropriate.

The Court makes the following disposition.

IT IS ORDERED Imposition of sentence is stayed for a period of 25 years or until earlier discharged by the court, upon the following terms and conditions:

1. Defendant shall be placed on probation to Dodge-Fillmore-Olmsted Community Corrections according to a level set by his probation officer. Defendant shall follow all the rules and directives of his probation officer, including payment of programming and supervision costs.

2. Defendant shall participate in all classes, counseling, evaluations, and programming as directed by his probation officer.

3. Defendant shall enter into and successfully complete sex offender treatment as directed by his probation officer. Defendant shall pay for all treatments costs.

4. Defendant shall serve 180 days in the Olmsted County Adult Detention Center with good time credit. Defendant shall be entitled to work release privileges. Defendant shall be given jail credit back to August 1, 2000.

5. Defendant shall pay the following fine and surcharges:

Fine	\$5,000.00
Surcharge	35.00
Law Library	<u>5.00</u>
TOTAL	\$5,040.00

Defendant shall pay said \$5,040.00 according to a schedule set by his probation officer. Defendant may receive dollar for dollar credit up to \$3,000

toward the fine for treatment costs. Defendant has the option of performing community work service for a portion of the fine or the entire fine.

6. Defendant shall be pay for all out-of-pocket treatment and therapy costs for the victim. Defendant may challenge a claim for restitution by filing the appropriate affidavit with the court.

7. Defendant shall have no contact with the victim or the victim's family without prior approval from Defendant's probation officer; however, Defendant shall be permitted contact that is necessary to complete the dissolution proceedings.

8. Defendant shall have no contact with persons under the age of 18, including family members, without prior approval of his probation officer.

9. Defendant shall abstain from all mood-altering chemicals, unless specifically prescribed for him by a physician.

10. Defendant shall abstain from alcohol.

11. Defendant shall maintain employment and a residence approved by his probation officer.

12. Defendant shall not use, own, or possess pornography.

13. Defendant shall remain law abiding.

14. Pursuant to Minnesota Statute §609.119 (a) (1) Defendant shall promptly provide a biological specimen for the purpose of DNA analysis.

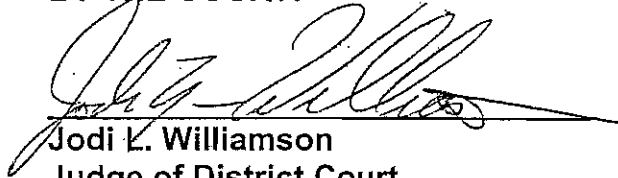
15. Pursuant to Minnesota Statute §243.166 Subd. 1 and §243.167 Defendant shall register with the Minnesota Bureau of Criminal Apprehension as a predatory offender.

16. Defendant shall pay restitution for the benefit of Lisa Schaub in the amount of \$75.16 within 45 days.

Exhibit A attached hereto is made a part of this order.

Dated: January 16, 2003.

BY THE COURT:


Jodi L. Williamson
Judge of District Court

cc: James P. Spencer, Assistant Olmsted County Attorney
Terrence M. Walters, Attorney for Defendant
Patricia Rime, Dodge-Fillmore-Olmsted Community Corrections
Adult Detention Center
Bureau of Criminal Apprehension

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CWS

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EXHIBIT A

Because this sentencing disposition stays the imposition or execution of sentence, Defendant is advised as follows pursuant to Minnesota Rules of Criminal Procedure 27.03, Subd. 4(E):

1. In the event this stay is later revoked for cause, Defendant then faces state imprisonment as one alternative.

2. Time spent on non-custodial probation may not be credited on such an executed sentence.

3. A written copy of the conditions of probation as imposed by this court or prescribed by the probation officer, as a condition of probation will promptly be given to Defendant.

4. In the event Defendant disagrees as to those terms and conditions prescribed by the probation officer, Defendant may request clarification by this court if necessary.

Pursuant to Minnesota Rule of Criminal Procedure 27.03, Subd. 5, Defendant is advised that he/she has the right to appeal this sentence and judgment of conviction. In the event Defendant is unable to pay those costs of appeal, he/she may apply for assistance to the State Public Defender, whose name and address are as follows: John M. Stuart, Minnesota State Public Defender, 2829 University Avenue SE, Suite 600, Minneapolis, Minnesota 55414-3230, telephone number (651) 627-6980.